



BOARD OF CERTIFIED REPORTERS

Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Hearing Room 109

December 6, 2018
10:00 a.m.

Approved Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Hon. Peter B. Swann
Michael Matich
April Escobedo

Telephonically Present:

G. Allen Sonntag, Chair
Terri Faust, Vice Chair
Hon. Anna Young
Patricia Sequin

Absent:

Michael Parrish

OTHER ATTENDEES:

AOC Staff:

Mark Wilson
Michelle Martin
Katherine Novak
Hal White
William MacIntyre
Wil Castro
Brianna Farmer
David Withey
Arnita Oliver

Guests:

Loren Molever
Kim Bata
Paula Collins
Carolyn Sullivan

CALL TO ORDER

Called to Order By:

G. Allen Sonntag, Chair

Time:

10:02 a.m.

1) REVIEW AND APPROVAL OF MINUTES:

1-A: *Review and approval of the regular session minutes for the meeting of October 11, 2018*

Individual Addressing the Board: G. Allen Sonntag, Chair

Discussion: None

Motion: Consideration of and motion to accept the regular session minutes of October 11, 2018.

Motion Proposals: First Patricia Seguin
Second Hon. Anna Young

Motion Results: Pass

2) PENDING COMPLAINTS:

2-A *Review, discussion and possible action regarding complaint number 17-C001, involving certified court reporter, Kimberly Bata*

Individual Addressing the Board: William McIntyre

Remarks from Loren Molever and Kim Bata

Motion: Motion to enter Executive Session to receive advice of counsel

Motion Proposals: First Patricia Seguin
Second Hon. Peter B. Swann

Motion Results: Pass

Board Entered Executive Session

10:32 a.m.

Return to Regular Session

10:50 a.m.

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Kim Bata has committed the alleged act(s) of misconduct as detailed in the Investigation Summary and Allegation Analysis Report in complaint number 17-C001.

It is recommended the Board enter a finding grounds for formal disciplinary action exists pursuant to Arizona Code of Judicial Administration (“ACJA”) § 7-201(H)(6)(a) for act(s) of misconduct involving violation of ACJA § 7-206(J)(1)(a) as described in the Investigation Summary and Allegation Analysis Report.

It is further recommended the Board issue a censure to Kim Bata.

Motion: Consideration of and motion to reject staff’s recommendation and accept settlement proposal to enter a consent agreement acknowledging comments made as demonstrated in transcript provided were inappropriate and issue an advisory letter.

Motion Proposals:

First	Hon. Peter B. Swann
Second	Hon. Ana Young
Abstain	Michael Matich

Motion Results: Pass

2-B *Review, discussion and possible action regarding complaint numbers 18-C001 and 18-C002, involving registered reporting firm, Verbatim Professional Reporting and certified court reporter, Patricia Gerson.*

Individual Addressing the Board: William MacIntyre

Discussion: Staff recommends that the Board adopt the determination of the Probable Cause Evaluator and dismiss complaints numbered 18-C001 and 18-C002.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals:

First	Hon. Anna Young
Second	Patricia Seguin

Motion Results: Pass

2-C *Update regarding the status of pending complaints.*

Individual Addressing the Board: Michelle Martinez

Discussion: As of December 3, 2018, there are currently three open complaints, all of which have been presented on this agenda with dispositive recommendations under agenda items 2A and 2B.

3) INITIAL CERTIFICATION AND ELIGIBILITY:

3-A: Review, discussion and possible action regarding pending initial certification applications for the following applicants:

1. Penny Segundo-Grammer
2. Sheila Fish
3. Amy Richardson

Individual Addressing the Board: Wil Castro

Discussion: The Division recommends approval of initial certified reporter certification for the following applicants:

1. Penny Segundo-Grammer
2. Sheila Fish

Motion: Consideration of and motion to accept staff's recommendation.

<i>Motion Proposals:</i>	First	Hon. Peter Swann
	Second	Hon. Anna Young

Motion Results: Pass

Individual Addressing the Board: Michelle Martinez

Discussion: 3. Amy Richardson

Ms. Richardson submitted an application for certified reporter certification which was presented to the Board at the October meeting. Certification was granted effective upon receipt of fingerprint results and contingent upon those results revealing no issues. On October 16, 2018, the results were returned as rejected for print quality. A second set of prints was obtained and forwarded for processing on November 8, 2018. In the event the second set is returned as rejected for print quality, the applicant would be required to complete and return a signed and notarized Affidavit In lieu of Fingerprints.

If an Affidavit is required, the Division recommends approval of initial certified reporter certification for Amy Richardson effective upon receipt of a completed, signed and notarized Affidavit In lieu of Fingerprints from Ms. Richardson.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Hon. Peter Swann
Second Patricia Seguin

Motion Results: Pass

4) RENEWAL CERTIFICATION APPLICATIONS:

4-A: Review, discussion and possible action regarding pending applications for renewal of certification:

1. *Anderson, Lisa*
2. *Gauthier, Kimberly*
3. *Manning, Mary*
4. *Monarrez, Lilia*
5. *Dzwonkoski, Diane*
6. *Edwards, Clark*

Individual Addressing the Board: Hal White

Discussion: It is recommended renewal of standard certification be granted to the following individuals:

1. Anderson, Lisa
2. Gauthier, Kimberly
3. Manning, Mary
4. Monarrez, Lilia

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mike Matich
Second Patricia Seguin

Motion Results: Pass

Discussion: 5. Diane Dzwonkoski

Division recommends renewal of standard certification be granted to Diane Dzwonkoski.

Motion: Consideration of and motion to accept staff's recommendation

Motion Proposals: First Terri Faust
Second April Escobedo

Motion Results: Pass

Discussion: 6. Clark Edwards

It is recommended to defer Clark Edwards until next meeting.

4-B: Review, discussion and possible action regarding pending applications for renewal of inactive status certification:

1. Braley, Kathleen
2. Johnston, Kathleen
3. Pessagno, Diane
4. Sesta Nicole
5. Chari, Bernadett

Individual Addressing the Board: Hal White

Discussion: It is recommended renewal of inactive status certification be granted to the following individuals:

1. Braley, Kathleen
2. Johnston, Kathleen
3. Pessagno, Diane
4. Sesta Nicole

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Hon. Ana Young
Second Patricia Squin

Motion Results: None

POWER OUTAGE – MEETING IS CONCLUDED
(Agenda Items 4B through 5B are deferred until the next meeting)

5) ADMINISTRATIVE ISSUES:

5-A: *Review, discussion and possible action regarding recommendation for code change regarding certification requirements:*

Matter is deferred.

5-B: *Discussion regarding update of Arizona program exam*

Matter is deferred.

CALL TO THE PUBLIC

None.

ADJOURNMENT

Time: 11:18 a.m.

Initials: AO